

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche Manning	Sitting Judge if Other than Assigned Judge	Martin C. Ashman
CASE NUMBER	98 C 5552	DATE	8/31/2000
CASE TITLE	Janet Alvarez vs. William Riesche, et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

--

## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Report and recommendation recommending that this case be dismissed for want of prosecution is hereby entered of record. All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	ED-7 FILED FOR DOCKETING 00 AUG 31 PM 3:42	5	Document Number 63
<input type="checkbox"/>	No notices required.		number of notices	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		SEP - 1 2000	
<input type="checkbox"/>	Notified counsel by telephone.		date docketed	
<input type="checkbox"/>	Docketing to mail notices.		IS	
<input type="checkbox"/>	Mail AO 450 form.		docketing deputy initials	8/31/2000
<input checked="" type="checkbox"/>	Copy to judge/magistrate judge.		date mailed notice	
IS			IS	
courtroom deputy's initials		Date/time received in central Clerk's Office	mailing deputy initials	

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SEP - 1 2000

JANET ALVAREZ,	)	
	)	
Plaintiff,	)	Case No. 98 C 5552
	)	
v.	)	Judge Blanche M. Manning
	)	
WILLIAM RIESCHE and WALTER	)	Magistrate Judge
GORDON, individually and as	)	Martin C. Ashman
agents for Chicago Police	)	
Department, and CITY OF	)	
CHICAGO, a Municipal Corporation,	)	
and CARLOS ALVAREZ,	)	
	)	
Defendants.	)	

REPORT AND RECOMMENDATION

This matter was referred to this court for all discovery motions, discovery supervision and any and all non-dispositive motions.

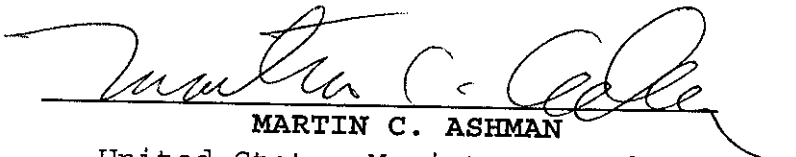
On May 24, 2000, this Court held a status hearing at which time Plaintiff's attorney failed to appear. On June 5, 2000, on motion of Plaintiff, the Court granted Plaintiff leave to substitute David T. Odom as counsel. A status hearing was set for July 21, 2000. No attorney appeared for Plaintiff.

On July 27, 2000, Defendants filed a motion to dismiss for failure of Plaintiff to respond to discovery and failure to comply with Court scheduling orders which motion was denied without prejudice by Honorable Blanche Manning. In the meantime, this Court set a status hearing for August 11, 2000, at which time Plaintiff's attorney did not appear. This Court continued the

status hearing to August 22, 2000 and ordered attorneys for all parties to appear. On August 22, 2000, this Court held a status hearing at which time Plaintiff's attorney did not appear. This Court ordered Plaintiff to answer all outstanding discovery within seven days and entered a rule to show cause against Plaintiff for Plaintiff to show cause why she should be debarred from presenting any evidence at the trial of the case. The rule was returnable before on this Court on August 31, 2000 at 10 a.m. The status hearing was continued to August 31, 2000 at 10 a.m.

No one appeared for Plaintiff on August 31, 2000. Defendants report that Plaintiff has not appeared for a deposition and has not answered any outstanding written discovery.

The bottom line of all of this is that Plaintiff's attorney does not appear in court as ordered and does not comply with any discovery requests or orders. This Court therefore recommends that this case be dismissed for want of prosecution.

  
**MARTIN C. ASHMAN**  
United States Magistrate Judge

Dated: August 31, 2000.

Written objections to any finding of fact, conclusion of law, or the recommendation for disposition of this matter must be filed with the Honorable Blanche M. Manning within ten (10) days after service of this Report and Recommendation. See FED. R. Civ. P. 72(b). Failure to object will constitute a waiver of objections on appeal.

Copies have been mailed to:

HERBERT L. HOLZMAN, Esq.  
Law Offices of Herbert L.  
Holzman, L.L.C.  
55 West Monroe Street  
Suite 3330  
Chicago, IL 60603

DAVID T. ODOM, Esq.  
David T. Odom & Associates, P.C.  
100 North LaSalle Street  
Suite 2115  
Chicago, IL 60602

WILLIAM E. BAZAREK, Esq.  
MARA S. GEORGES, Esq.  
MICHAEL W. EARLY, Esq.  
GEORGE J. YAMIN, JR., Esq.  
Corporation Counsel's Office  
City of Chicago, Law Dept.  
30 North LaSalle Street  
Suite 900  
Chicago, IL 60602

BRIAN L. CROWE, Esq.  
Shefsky, Froelich & Devine,  
Ltd.  
444 North Michigan Avenue  
Suite 2500  
Chicago, IL 60611

BRUCE M. ROSE, Esq.  
Law Office of Bruce Rose  
1227 South Mannheim Road  
Suite 314  
Westchester, IL 60154

Attorney for Plaintiff

Attorneys for Defendants